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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the seventh periodic report of Finland

Addendum

Information provided by Finland in follow-up to the concluding observations*

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Note: The present document is being issued in English, French and Spanish only.

* The present document is being issued without formal editing.

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Steps taken by Finland to implement the recommendations contained in paragraphs 19 (a), (b), (d) (e), (f), (g) and (h) of the concluding observations on its seventh periodic report

19 (a) Allocate adequate financial resources to the national action plan and strategies aimed at eliminating violence against women

1. The Government's five-year action plan to reduce violence against women, which is a multi-sectoral action plan aiming to reduce violence against women, reached the end of its mandate period at the end of 2015. The action plan included altogether 66 measures, of which some were carried out without separate funding.

2. The implementation of the social and health care-related measures of the action plan has been affected by the pending nationwide social welfare and health care reform, undertaken in order to safeguard equal, client-oriented and high-quality social welfare and health care services for everyone throughout the country, as well as to strengthen social welfare and health care basic services.

3. An external evaluation of the action plan has been conducted and shows that the action plan was a good instrument in promoting multi-sectoral actions of violence reduction. The implementation of the action plan initiated many concrete measures that are required also by the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (hereafter Istanbul Convention). A more thorough evaluation of the action plan's implementation is under way.

4. The key results of the action plan's implementation include e.g. taking intimate partner and family violence into account as a reason for the granting of support measures under the renewed Social Welfare Act (11§; 1301/2014); quality recommendations on shelters to women who are victims of such violence; training of key trainers; development and implementation of the so-called MARAK (Multi-Agency Risk Assessment) tool, as well as the preparation and publication of various guide books, manuals and web pages.

5. Since the national implementation of the Istanbul Convention is being initiated, national activities to be undertaken for the purpose of eliminating violence against women will designed and structured in a future action plan to be drafted by the coordination body that is to be designated in accordance with article 10 of the above-mentioned Convention.

19 (b) Establish an effective and adequately funded institutional mechanism at the government level to coordinate, monitor and assess the effectiveness of measures taken

6. Finland is under way to establishing an effective coordination mechanism at the governmental level in accordance with article 10 of the Istanbul Convention. The coordination mechanism will be established in connection with the Ministry of Social Affairs and Health and will be composed of representatives of various government ministries, including at least the Ministry of Justice, the Ministry of Home Affairs, the Ministry of Employment and the Economy, the Ministry of Education and Culture and the Ministry for Foreign Affairs, as well as representatives of several governmental and State agencies. It will cooperate with

non-governmental organizations. The coordination mechanism will be headed by a senior civil servant coordinator and an expert secretary. The mechanism is due to be operational in late spring 2016. The coordination mechanism will draft an action plan for a term of four years, including plans on detailed cross-ministerial monitoring.

19 (d) Take the legislative and other measures necessary to prohibit mandatory mediation and conciliation in cases of intimate partner and other forms of domestic violence

7. In Finland there is no mandatory mediation of intimate partner and domestic violence.

8. According to the Act on Mediation in Criminal and Certain Civil Cases (1015/2005), mediation is always voluntary, independent as well as confidential and cost free. It is also available nationwide. Mediation requires everybody's, who is a party to the case, consent, which can be cancelled by the party at all stages of the mediation process. In cases of intimate partner and domestic violence only the police and Public Prosecutor can initiate a mediation process to the mediation office. The professional personnel of the mediation office work out and carefully assess the suitability of each case for mediation and decide whether to start the mediation process.

9. The number of domestic violence cases referred to mediation nearly doubled after the 2011 amendment of the Criminal Code which classified petty violent crimes in close relationships as offences under public prosecution. As a result, criminal investigation is initiated in petty assaults even if the victim does not request the public prosecutors to bring charges for the offence. The police and public prosecutor can still refer criminal cases to mediation if they consider that the case is suitable and the parties involved are favourably disposed to mediation.

10. In 2014, a total of 1,857 domestic violence cases were referred for mediation. Mediation was undertaken in 1,380 cases which equals to 74 per cent of the cases where the mediation process was initiated. 12 per cent (169 cases) of the mediation processes were discontinued, e.g. when it became clear during the process that the conditions for mediation were not fulfilled, the parties or one of the parties expressed unwillingness to continue mediation or it was discovered that the perpetrator denied the violence or was pressuring or threating the victim. This meant that in a total of 477 criminal cases the professional mediation personnel considered that the preconditions for mediation were not met. An agreement was reached through mediation in a total of 62 per cent of intimate partner and domestic violence cases brought to mediation.

11. Until the end of 2015 regional State administrative agencies were responsible for organizing the mediation services, as well as guiding and developing the mediation offices in their practices. This practice was recently amended due to incoherence and variations in the applied practices. Therefore, from the beginning of 2016 National Institute for Health and Welfare is responsible of arranging, coordinating and developing the mediation services nationwide. A development programme of the mediation services as a whole, including creating a nationwide definition of the policy concerning mediation in domestic violence cases, is under preparation.

19 (e) Review the legislation on rape so as to remove any requirement that sexual assault be committed by force or threat and place the lack of consent at the centre of its definition; amend the Penal Code, chapter 20, section 1.2, on rape and section 5.1, containing provisions on sexual abuse, to ensure that the definition of rape also covers cases of non-consensual sexual acts where there is an abuse of authority, such as in cases of rape committed against women who are residents in closed institutions, and align the sanctions for such acts from a fine to the minimum sentence of imprisonment as is the case for the commission of such acts; and take specific measures to fully investigate, prosecute and punish perpetrators of rape in order to increase the conviction rates in cases of rape

12. Chapter 20 of the Finnish Penal Code covers sexual offences. The chapter has been renewed during the last 12 years more thorough and often than any other chapter in the Penal Code.

13. By the law 495/2011 the provisions of chapter 20 were modified so that the sexual intercourse with a defenceless person is considered a rape regardless of the perpetrator's role in the origin of the victim's defencelessness (section 1(2)). The defencelessness covers as well situations where the victim is unable to formulate or express her/his will. Similar modification was made at the same time in 2011 to the provision covering the coercion into a sexual act (section 4(2)). Chapter 20, section 1(1) of the Penal Code covers the cases where the offender has forced another person into sexual intercourse by the use or threat of violence.

14. According to chapter 20, section 1(2) of the Penal Code unconsciousness, illness, disability, state of fear or other state of helplessness, even a short-term one, creates defencelessness. It may be mental of physical defencelessness where the victim is unable to prevent someone's proceedings. In the Government's proposal 216/2013 are explicitly mentioned situations where a person is unable to form or express his or her will because of problems related to the ability to speak, weakening of the intellectual functioning or disturbances in state of mind. Liability to penalty requires that the offender has acted intentionally. In this context it means, relying on chapter 3, section 6 of the Penal Code, that the perpetrator has considered that the consequence (a sexual intercourse with a defenceless person) is a certain or at least a quite probable result of his or her actions.

15. By the law 509/2014 chapter 20 of the Penal Code was changed in many ways. Section 3 concerning coercion into a sexual intercourse was repealed and acts which were earlier considered more lenient than an actual rape shall be nowadays punished applying the provisions governing rape. An act where violence has been used cannot be considered a less serious rape (section 1(3)). According the revealed section 3 it was possible to sentence the offender to a fine, the maximum penalty was three years imprisonment. According to section 1 the offender shall be sentenced for rape to imprisonment for at least one year and at most six years and for a rape committed in less serious circumstances to imprisonment for at least four months and at most four years. Because of the vulnerable situation of children and the serious nature of the offence the provisions concerning the aggravated rape were changed so that cases where the victim is under the age of 18 are in principle considered and penalized as an aggravated rape (section 2).

16. By the law 509/2014 the definition of sexual intercourse (chapter 20, section 10 (1) was widened so that it also covers the insertion of the sex organ into the

mouth and the penetration directed at the anus. Because of this change the coverage of the rape offence widened to cover this kind of offences.

17. In the reasoning the Government's proposal 216/2013 underlines comprehensively protection of sexual self-determination. This statement in addition to the free and voluntary will emphasized in the provision in practice places the lack of consent in centre when dealing with rape cases.

18. Chapter 20, section 5 of the Penal Code concerning sexual abuse was modified by the same law 509/2014 as the rape offences. This change relates to subsection 1(3). According to the new wording a person who abuses his or her position and entices into sexual intercourse, into another sexual act essentially violating his or her right of sexual self-determination, or into submission to such an act a patient being treated in a hospital or other institution, whose capacity to defend himself or herself or express his or her will is essentially impaired owing to illness, handicap or other infirmity shall be sentenced for sexual abuse. The Government's proposal 216/2013 underlines that this provision doesn't cover only cases where the victim is unable to defend physically but also covers the situations where he or she is not capable of making decisions.

19. By the law 509/2014 chapter 20, section 11 of Penal Code was modified so that sexual harassment directed at a person who has reached the age of 18 years is the only sexual offence the public prosecutor may not bring charges for unless the injured party reports the offence for the bringing of charges or unless a very important public interest requires that charges be brought.

20. By the law 376/2015 chapter 1, section 11 of the Penal Code was modified so that the requirement of dual criminality doesn't cover for example rape offences. Even if the offence is not punishable under the law of the place of commission, Finnish law applies to it if it has been committed by a Finnish citizen or a person who is permanently resident in Finland and the penalty for it has been laid down in, inter alia, sections 1 and 2 of chapter 20.

21. According to the Centre of Statistics between years 2010 and 2014 between 18 and 21 perpetrators of rape were condemned to unconditional imprisonment, while probation order was given to 14-15 perpetrators. Aggravated rape cases varied between 32 and 42 cases. In 2009 the average length of unconditional imprisonment was 25.6 months and conditional imprisonment 17.9 months for rape, while the length was in 2014 27,1 months unconditional imprisonment and 17.3 months for conditional imprisonment for rape. Aggravated rape average imprisonment was in 2009 62 months and in 2014 49.2 months unconditional imprisonment. Over 59 per cent of perpetrators condemned of rape are condemned in unconditional imprisonment and the rest 40 per cent are condemned to conditional imprisonment of which every fourth to additional community service.

22. In 2014 perpetrators of rape were condemned in unconditional imprisonment between 21 and 31 months and conditional imprisonment varied between 19 to 28 months.

19 (f) Ensure that a sufficient number of shelters, staffed by qualified personnel and provided with adequate financial resources, are available to women victims of violence, including those from disadvantaged groups who require special support

23. The Act on State Compensation to Producers of Shelter Services (1354/2014) entered into force 1 January 2015. According to the Act the responsibility for financing the services provided in the shelters lies with the State. Until January 2016 the financing was based on community budgeting.

24. The purpose of the new law is to guarantee qualitative and comprehensive shelter services all over the country. The new legislation defines also competence requirements for the shelter personnel. The provided services include high-quality services for immediate help for a crisis situation, 24/7 living and psychosocial support, counselling and guidance for every person in need regardless of residence and free of charge.

25. For the year 2016, a total of 11.3 million euros have been allocated to 19 shelters that accommodate altogether 118 family places.

26. The shelters are open for anyone — women, men and children of all ages — who have experienced or have been threatened of domestic violence. Children usually stay in the shelter with a parent. The above mentioned law enabled also adults with no children to enter a shelter while previously shelters accepted only women accompanied with children.

27. The shelters cover geographically different parts of Finland and include also places for the Swedish-speaking minority, as well as migrant women and children. The majority of the shelters are also accessible for persons with disabilities.

28. A shelter is meant to be a short-term refuge during a crisis. The length of the stay is always based on individual needs. A shelter has staff available 24 hours a day and victims can go there either on their own initiative or on referral. It is possible to go to a shelter anonymously. Staying in a shelter is cost-free to the client.

29. The shelters are financed, instructed and monitored by the Ministry of Social Affairs and Health while the National Institute for Health and Welfare is responsible for the national coordination and development of the shelters.

19 (g) Open rape crisis centres, walk-in centres and 24-hour, free-of-charge, helplines that provide protection and assistance to all women victims of violence, including migrant women, women with disabilities and women belonging to sexual minorities

30. Until 2016 women and girls having faced rape/sexual violence and/or exploitation have received support and guidance free of charge only during weekdays within fixed hours through services organized by non-governmental organizations. Also a free of charge legal counselling has been provided for three hours per weekday. These services have been available also anonymously and include personal advice, support and counselling, factual information and service directory on support services.

31. Comprehensive advice and support services for sexual violence and abuse have been provided from year 2000 onwards via internet, including personal advice,

factual information and the possibility of participating in discussion groups. During 2015, over 40 non-governmental organizations and associations provided extensive online services for victims with over half a million users annually. The Finnish Slot Machine Association covers the maintenance costs for the online services.

32. Currently, a nationwide free of charge 24/7 helpline service to all victims of violence is being finalized by the Ministry of Social Affairs and Health with the aim of having helpline services available and functioning during the fall of 2016. The helpline service will be established to comply with the requirements of the Istanbul Convention.

33. National guidelines for helping victims of sexual violence is due to be published during the spring 2016 and district hospitals are to receive directions on creating a local treatment chain for helping victims of rape and other forms of sexual abuse. The treatment chain is aimed at creating a seamless continuum of a rape victim's treatment, as well as generating more consistent and uniform nationwide services. The treatment chain includes the examination of the rape victim, as well as the provision of both physical and mental treatment and support services. Furthermore, the legal status of the victim is improved by ensuring the victim's access to legal aid.

34. All 20 hospital districts will be informed on the guidelines and provided training for the launch of local treatment chains. During 2016, a rape crisis centre is planned to be piloted in one of the district hospitals.

19 (h) Ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence within the time frame indicated by the State party

35. Finland has ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and the Convention entered into force on 1 August 2015 in respect of Finland.